

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 901, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF A DRUG PRODUCT—"PINK ROOT."

On or about February 11, 1910, John C. Muth and John S. Muth, copartners, trading as Muth Bros. & Co., Baltimore, Md., shipped from the State of Maryland into the State of Virginia a quantity of a drug product labeled: "3 Lbs., Powd. Pink Root, No. 1423, Guaranteed by Muth Brothers & Company, Wholesale Druggists, Baltimore, Md." A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist largely of *ruellia*. As the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said John C. Muth and John S. Muth and the party from whom the sample was procured were afforded opportunities for hearings. As it appeared after hearings held that the above shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Maryland, against the said John C. Muth and John S. Muth, charging the above shipment, and alleging the product so shipped to be adulterated because it was sold under the name "Pink Root," recognized in the United States Pharmacopœia and National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in said authorities official at the time of the investigation. Said test required that Pink Root be composed of the dry rhizome and roots of the *Spigelia marilandica*, whereas the product shipped as aforesaid contained a large amount of *ruellia*, a foreign substance. The information further alleged the product so shipped to be misbranded because it was labeled as above set forth when in truth and in fact the product did not consist of powdered pink root, but of powdered pink root mixed with a quantity of *ruellia*, a foreign substance.

On January 14, 1911, the defendants entered a plea of guilty to the above information, whereupon the court imposed a joint fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 22, 1911.*

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